

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROLANDO HERNANDEZ-ZAMORA,

Defendant.

No. 3:21-cr-00062-JMK

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Before the Court is Mr. Hernandez-Zamora's Motions to Dismiss at Dockets 170, 172, 174, and 175 ("Motions"). The Motions were referred to Chief Magistrate Judge Matthew M. Scoble. The Government responded in an omnibus opposition at Docket 183. Judge Scoble issued his Final Report and Recommendation on all of the Motions to Dismiss at Docket 187. Mr. Hernandez-Zamora filed objections to the Final Report and Recommendation at Docket 206.

The matter now is before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."¹ A court is to "make a de

¹ 28 U.S.C. § 636(b)(1)(C).

novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”² But as to those topics on which no objections are filed, “[n]either the Constitution nor [28 U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”³

The Court has reviewed the four Motions to Dismiss, the Government’s responses, and Mr. Hernandez-Zamora’s objections. Further, the Court independently evaluated the factual and legal arguments raised in Mr. Hernandez-Zamora’s objections. Upon its review, the Court finds Hernandez-Zamora’s objections lack merit.⁴

The Court has reviewed the Final Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Final Report and Recommendation at Docket 187, and the Motions to Dismiss at Dockets 170, 172, 174, and 175 are **DENIED**.

IT IS SO ORDERED this 20th day of May, 2024, at Anchorage, Alaska.

/s/ Joshua M. Kindred
JOSHUA M. KINDRED
United States District Judge

² *Id.*

³ *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).

⁴ *United States v. Ramos*, 65 F.4th 427, 434 (9th Cir. 2023) (articulating that “the district court ha[s] no obligation to provide individualized analysis of each objection.”).

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